



General Assembly

***Substitute Bill No. 6115***

*January Session, 2003*

***AN ACT CONCERNING CLAIMS OF THE STATE FOR REPAYMENT  
OF AID.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-94 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) In the case of causes of action of beneficiaries of aid under the  
4 state supplement program, medical assistance program, aid to families  
5 with dependent children program, temporary family assistance  
6 program or state-administered general assistance program, subject to  
7 subsections (b) and (c) of section 17b-93, or of a parent of a beneficiary  
8 of the aid to families with dependent children program, the temporary  
9 family assistance program or the state-administered general assistance  
10 program, the claim of the state shall be a lien against the proceeds  
11 [therefrom in] of such causes of actions. The state's lien shall be the  
12 lesser of the amount of the assistance paid or [fifty] (1) if the amount of  
13 the proceeds is less than four thousand dollars, thirty-five per cent of  
14 the proceeds received by such beneficiary or such parent after  
15 payment of all expenses connected with the cause of action [,  
16 whichever is less,] for repayment under [said] section 17b-93, [and] (2)  
17 if the amount of the proceeds is four thousand dollars or more but less  
18 than ten thousand dollars, forty-five per cent of the proceeds received  
19 by such beneficiary or such parent after payment of all expenses  
20 connected with the cause of action for repayment under section 17b-93,

21 and (3) if the amount of the proceeds is ten thousand dollars or more,  
22 fifty-five per cent of the proceeds received by such beneficiary or such  
23 parent after payment of all expenses connected with the cause of action  
24 for repayment under section 17b-93. The state's claim for repayment  
25 under section 17b-93 shall have priority over all other claims except  
26 attorney's fees for said causes, expenses of suit, costs of hospitalization  
27 connected with the cause of action by whomever paid over and above  
28 hospital insurance or other such benefits, and, for such period of  
29 hospitalization as was not paid for by the state, physicians' fees for  
30 services during any such period as are connected with the cause of  
31 action over and above medical insurance or other such benefits; and  
32 such claim shall consist of the total assistance repayment for which  
33 claim may be made under said programs. The proceeds of such causes  
34 of action shall be assignable to the state for payment of the amount due  
35 under [said] section 17b-93, irrespective of any other provision of law.  
36 Upon presentation to the attorney for the beneficiary of an assignment  
37 of such proceeds executed by the beneficiary or his conservator or  
38 guardian, such assignment shall constitute an irrevocable direction to  
39 the attorney to pay the Commissioner of Administrative Services in  
40 accordance with its terms, except if, after settlement of the cause of  
41 action or judgment thereon, the Commissioner of Administrative  
42 Services does not inform the attorney for the beneficiary of the amount  
43 of lien which is to be paid to the Commissioner of Administrative  
44 Services within forty-five days of receipt of the written request of such  
45 attorney for such information, such attorney may distribute such  
46 proceeds to such beneficiary and shall not be liable for any loss the  
47 state may sustain thereby.

48 (b) In the case of an inheritance of an estate by a beneficiary of aid  
49 under the state supplement program, medical assistance program, aid  
50 to families with dependent children program, temporary family  
51 assistance program or state-administered general assistance program,  
52 subject to subsections (b) and (c) of section 17b-93, [fifty] the claim of  
53 the state shall be an assignable share of assets of the estate payable to  
54 the beneficiary. The state's assignable share shall be the lesser of the

55 amount of assistance paid or (1) for assets with value of less than ten  
 56 thousand dollars, thirty per cent of the assets of the estate payable to  
 57 the beneficiary [or the amount of such assets equal to the amount of  
 58 assistance paid, whichever is less,] shall be assignable to the state for  
 59 payment of the amount due under [said] section 17b-93, (2) for assets  
 60 with value of ten thousand dollars or more but less than fifteen  
 61 thousand dollars, fifty per cent of the assets payable to the beneficiary  
 62 shall be assignable to the state for repayment of the amount due under  
 63 section 17b-93, and (3) for assets with value of fifteen thousand dollars  
 64 or more, fifty-five per cent of the assets payable to the beneficiary shall  
 65 be assignable to the state for repayment of the amount due under  
 66 section 17b-93. The Court of Probate shall accept any such assignment  
 67 executed by the beneficiary and filed by the Commissioner of  
 68 Administrative Services with the court prior to the distribution of such  
 69 inheritance, and to the extent of such inheritance not already  
 70 distributed, the court shall order distribution in accordance therewith.  
 71 If the Commissioner of Administrative Services receives any assets of  
 72 an estate pursuant to any such assignment, the commissioner shall be  
 73 subject to the same duties and liabilities concerning such assigned  
 74 assets as the beneficiary.

This act shall take effect as follows:	
Section 1	July 1, 2003

**HS**      *Joint Favorable Subst.*